SUBCHAPTER 8 OCCUPANCY AND USE

- 200-42. Certificate of Occupancy. 1. WHEN REQUIRED, a. It shall be unlawful to occupy or use, or offer to occupy or use any building, structure or premises now existing or hereafter erected unless or until a certificate of occupancy or certificate of zoning has been issued by the commissioner of city development, except as provided in s. 200-43 and s. 295-303. A separate certificate of occupancy shall be obtained for each occupancy and use stated in ch. 295 or any other regulation of this code. A new certificate of occupancy or certificate of zoning shall be required each time there is a change in the operator or tenant of a non-residential premises.
- b. It shall be unlawful to maintain, occupy or use, or offer to maintain, occupy or use, any building, structure, premises or part thereof that has been erected, constructed, altered or changed, occupied or used in violation of any regulation of this code or other laws or in violation of the code or other laws which were in effect and which applied to any existing building, structure, or premises, or part thereof at the time of its erection, construction, alteration, or change and designated occupancy or use.
- c. Unless and until a new certificate of occupancy has been issued by the commissioner, it shall be unlawful to occupy any building, structure or premises or part thereof which is vacant under any of the following circumstances:
- c-1. It has been found unfit for human habitation or use under any order issued in accordance with this code requiring the repair, alteration, vacation, removal or demolition.
- c-2. It has been vacant for a period in excess of 6 months.
- c-3. It is subject to orders regulating vacant buildings under s. 275-32-7 and the order specified that the internal conditions of the property do not comply with code requirements and that a certificate of occupancy shall be obtained.
- d. Where any of the conditions described in pars. c-1 and 3 are found, the premises shall be placarded and shall not be occupied until a certificate of occupancy is first obtained.

- e. Unless and until a new certificate of occupancy has been issued by the commissioner of city development, it shall be unlawful to occupy any building or structure if it has been licensed as a rooming house, the license expires and is not renewed, or the license is revoked.
- 2. WHEN ISSUED. a. In the case of a proposed use, as described in ch. Comm 62, Wis. Adm. Code, as amended, that is not within the same group of uses as the prior use, and where the proposed use is as hazardous or more hazardous, based on life and fire risk, than the prior use, or where otherwise requested, the commissioner of city development shall issue a certificate of occupancy:
- a-1. After an application has been filed in the commissioner's office by the owner, agent or tenant.
- a-2. After inspection it is found that the building, structure, premises or part thereof complies with all of the regulations of this code applicable to the proposed occupancy.
- b. Unless otherwise required by law, in the case of a proposed use, as described in ch. Comm 62, Wis. Adm. Code, as amended, that is within the same group of uses as the prior use, or in the case of a proposed use that is not within the same group of uses as the prior use and that is less hazardous, based on life and fire risk, than the prior use, the commissioner of city development shall issue a zoning certificate indicating conformance with the use requirements set forth in ch. 295 and:
- b-1. After an application has been filed in the commissioner's office by the owner, agent or tenant.
- b-2. After investigation it is found that such building, structure, premises or part thereof complies with all zoning laws applicable to its use.
- b-3. After a plumbing inspection to determine that the building, structure, premises or part thereof complies with all applicable plumbing regulations, if the proposed use is a tavern or restaurant.
- b-4. After a zoning inspection to determine that the building, structure, premises or part thereof complies with all applicable zoning regulations, if the proposed use is for light or heavy motor vehicle uses including sales, rental and repair facilities, body shops, outdoor storage, and parking lots where parking is the principal use of the premises.

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- c. If a building, structure, premises or part thereof has been vacant for more than 6 months, the inspection requirements set forth in par. a shall apply.
- **3.** REQUIRED INFORMATION. a. Such certificates of occupancy shall indicate the use of the building, structure or premises or part thereof.
- b. An application for a certificate of occupancy submitted by a tenant or prospective buyer shall be accompanied by a written statement by the applicant that the owner or owner's agent has granted permission for the necessary inspections of the premises.
- 4. CÉRTIFICATE TO BE POSTED. The certificate of occupancy shall be posted in a conspicuousplace in the building, structure or on the premises except one-family and 2-family dwellings and accessory buildings or structures thereto.
- **5.** PENALTY. Any person who violates any of the provisions of this section shall be subject to penalty pursuant to s. 200-19.
- 200-43. Temporary Certificate of Occupancy. A temporary certificate of occupancy may be issued by the commissioner of neighborhood services for the temporary occupancy and use of any building, structure or premises or part thereof, prior to the completion of the same and the issuance of a final certificate of occupancy, provided that such occupancy or use would not jeopardize life, health or property. The commissioner of neighborhood services is authorized to require whatever temporary precautionary measures over and above any code requirements to safeguard the public as a condition of the issuance of a temporary certificate of occupancy.
- 200-44. Nonconforming Occupancy or Use of Building. Nothing in this code shall require the removal, alteration, or abandonment of, nor prevent the continuance of a legal nonconforming original or changed occupancy or use of a building, structure, or premises or part thereof, lawfully existing at the time of the adoption of this code, except as required by the provisions of s. 295-415. Legal nonconforming structures can be converted to less restrictive occupancies provided said occupancy complies with the regulations of ch. 295.

- 200-45. Approval of Existing Occupancies. Upon written request from an owner, the commissioner of city development shall certify and issue a certificate of legality for the continuance of an existing occupancy or use of any existing building, structure, premises, or part thereof, if, after verification of the records on file in the commissioner's office, and after inspection, it is found that such occupancy or use is a permitted and lawful occupancy or use under current code requirements, and, provided further, that no fire hazards or other hazards are found in such building, structure, premises or part thereof.
- 200-46. Changes in Occupancy or Use. 1. No change in any occupancy or use as described in ch. Comm 62, Wis. Adm. Code, as amended, of an existing building, structure, premises or part thereof shall be permitted that is not consistent with a lawful occupancy or use permitted under a prior certificate of occupancy, or which is not based upon the requirements applicable to types of construction and zoning as regulated by this code.
- 2. No change from one group of occupancies to another group of occupancies as described in ch. Comm 62, Wis. Adm. Code, as amended, shall be permitted unless after inspection it is found that such building, structure, premises or part thereof conforms to the regulations of this code relating to the proposed new occupancy and use and required types of construction.
- 200-47. Authority for Change in Occupancies and Uses. The commissioner of city development is authorized to approve any change in the occupancy and use of any existing building, structure, or premises or part thereof within any one group of occupancies and uses, as regulated by this code, if the proposed occupancy or use does not fully conform to all of the regulations of this code applicable thereto, provided it is obvious that such change in the occupancy or use will not extend or increase the hazards of fire, health, and public safety, and when not in violation of the regulations of ch. 295.
- 200-48. Abandonment of Occupancy, Use Rights and Privileges. Whenever a lawful nonconforming occupancy or use of any

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existing building, or structure, premises or part thereof is changed to an occupancy or use conforming to the regulations of ch. 295 or to a conforming type of construction applicable to such building, structure, premises, or part thereof, as regulated by this code, thereafter any such existing building, structure, premises or part thereof shall not again be occupied or used for any nonconforming occupancy and use rights and privileges. If a nonconforming building or structure, or use is abandoned for one year, the legal nonconforming use of occupancy of that building or structure shall cease and the use of that building or structure shall thereafter be restricted to a legal use or occupancy. If a nonconforming open storage occupancy and use on any premises is vacated for a period of 6 months, then any future occupancy and use of the premises shall conform to the regulations of ch. 295.

200-49. Voiding of Occupancy Applications. If an applicant for a certificate of occupancy does not make use of the application, either by not using the premises or not complying with required regulations of the code within a period of 6 months, such application shall be declared void and no new use of the premises shall be made until a new certificate of occupancy or certificate of zoning has been procured.

200-50. Change in Floor Loads. If the occupancy or use of any existing building or structure or part thereof is changed to any occupancy or use permitted by this code but imposing greater floor loads, then the structural and load carrying portions of such building or structure shall be strengthened to conform with the regulations of this code for such new occupancy or use.

200-51. Rental Units. 1. INSPECTION. Any owner of a rental dwelling unit may request that such unit be inspected by the commissioner. The commissioner shall examine such dwellings to determine if they conform to code standards. Should the commissioner find code violations, the appropriate building code orders will be issued.

2. ISSUANCE OF CERTIFICATE. Once the dwelling unit or units conform to code, the commissioner of city development shall issue a certificate of occupancy which shall contain the following information:

- a. The address of the property.
- b. The owner's name.
- c. A statement specifying that the dwelling unit conforms to all requirements of ch. 275.
 - d. The date of such conformance.
- e. The signature of the commissioner of city development.

200-51.5. Recording of Residential and Commercial Buildings, and Condominium Units and Associations. 1. PURPOSE. Recording of residential and commercial buildings, and condominium units and associations is essential for the proper enforcement of the city's building and zoning code and for the department to carry out its responsibilities to safeguard persons and property.

RECORDING REQUIRED, a. All 2. owners of residential or commercial buildings. all owners of commercial condominium units, all owners of non-owner-occupied residential condominium units, and all condominium associations (as defined in s. 703.02 (1m), Wis. Stats.) shall file with the department on forms provided by the department, an application to record such buildings, units and associations in compliance with this section. The application shall contain all information listed in sub. 4. An application of recording shall be filed with the department for each tax key-numbered parcel containing a residential or commercial building, and, in the case of condominium units that must file, for each tax-key-numbered unit. An application filed by a condominium association, however, shall be filed with the department for the common elements (as defined in s. 703.02 (2), Wis. Stats.) that are part of the condominium. Multiple buildings on a parcel with a single tax key number shall be recorded on one application. Failure to record with the department as required in this section shall subject the owner, and, in the case of condominium associations, the association and the condominium-unit owners, to the provisions provided in subs. 7 and 8.

b. If the address of the owner (or, in the case of condominium associations, the condominium's resident agent as required by s. 703.23, Wis. Stats.) is outside of Milwaukee, Ozaukee, Kenosha, Racine, Walworth, Washington or Waukesha county, the owner (or, as the case may be, the condominium association) shall have an operator of the

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building whose business or personal address is located within any of these counties. For the purpose of applying this section, "operator" means as defined in s. 200-08-64; and "condominium association operator" means the person who has charge, care or control of the condominium common elements.

- c. In the event of the death of the owner of a building or of a condominium unit required to be recorded under this section, the estate or subsequent purchaser shall have 60 days to file an application for recording. In the event of the death of the resident agent of a condominium association required to be recorded under this section, the association shall have 60 days to file an application for recording.
- d. In the event of any conveyance of any building or condominium unit required to be recorded under this section, the new owner shall file a new application for recording and pay the fee under s. 200-33-49.5 within 15 days from the date of the conveyance or, if the conveyance is by sale after foreclosure, then within 15 days of the date of court confirmation of the sale.
- e. In the case of aland contract, both the land contract seller and land contract buyer shall sign and file the application for the same subject property and provide the legal name, business or personal address and business or personal telephone numbers of both parties on the same application form. Upon satisfaction of the land contract the land contract seller shall file a notification of the conveyance of interest as required in sub. 5-d, and the land contract buyer who has acquired the fee interest in the building or condominium unit shall file an updated application as required in this subsection.
- **3.** EXCEPTIONS. This section shall not apply to owners of:
- a. Owner-occupied one and 2 family buildings and owner-occupied residential condominium units where the ownership is recorded with the Milwaukee county register of deeds, jails, convents, monasteries, parish rectories, parsonages and similar facilities, hospitals and residential facilities licensed by the city of Milwaukee or the state of Wisconsin or government-owned buildings.

- b. Newly-constructed residential and commercial buildings until actual occupancy of any units in the buildings commences.
- c. Residential and commercial buildings and condominium units owned for less than 15 calendar days prior to sale or other transfer of the buildings or units to new owners. However, the owners who owned for less than those 15 calendar days shall comply with the notification requirement in sub. 5-d.
- 4. APPLICATION. a. The applications of all owners and of all condominium associations required to file under this section shall be filed with the department on forms provided by the department. The completed application shall be signed by at least one of the owners, and, in the case of condominium associations, by the association's current resident agent under s. 703.23, Wis. Stats., be notarized as an affidavit under penalty of s. 946.32(1)(a), Wis. Stats., and shall contain all of the following information:
- The tax key number of the parcel containing the residential or commercial building or condominium unit, the legal name and date of birth of the owner of the property (or in the case of an application filed by a condominium association, the legal name and date of birth of the resident agent of the condominium association), a business or personal address and a business or personal telephone number of the owner (or in the case of a condominium association, of the resident agent) where the owner (or the condominium association's resident agent) can be contacted readily by any tenant or by the department of neighborhood services. Corporations, limited partnerships, limited liability companies and limited liability partnerships shall provide the name and address of their registered agents on file with the Wisconsin department of financial institutions. Corporations, condominium associations, limited partnerships, limited liability companies, limited liability partnerships, churches or other religious institutions, trusts and estates shall provide a natural person's name, address and telephone number for contact. A post office box number shall not be acceptable as a required address. For the purpose of applying this section, "owner" means each person who jointly or severally is vested with all or part of the legal title to the

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- premises or all or part of the beneficial ownership and right to present use and enjoyment of the premises. The term includes, but is not limited to a mortgagee in possession, trustees, life estate holders, condominium associations, land contract sellers, land contract buyers, general and limited partnerships, corporations, limited liability companies and cooperatives.
- The legal name, business or a-2. personal address, and business or personal telephone number of the person or persons authorized to collect or receive rents, act as operator of the building and maintain the premises or common elements of a condominium (as the case may be), and who can be contacted readily by the tenant or by the department of neighborhood services. Post office box numbers shall not be acceptable as an address for personal service. A preferred mailing address such as a post office box number may be furnished to the department in addition to the addresses required in this subsection. If there is a person acting as an operator or as a condominium association operator, that person shall sign a statement acknowledging acceptance of liability for a code violation and provide his or her business or personal telephone number.
- a-3. The number of residential dwelling units in residential buildings, or in the case of filings for condominium units or condominium associations, the number of units in the condominium.
- If a building has multiple owners, at least one owner is required to sign and notarize the application, except in cases where the owners are land contract sellers, and land contract buyers, in which case at least one land contract seller and one land contract buyer must sign and notarize the application; or where the application is being filed by a condominium association in which case the association's resident agent and condominium association operator must sign and notarize the application. However, except in the case of the applications filed by condominium associations, the application shall contain the legal names, business or personal addresses, and business or personal telephone numbers of all owners of the respective property or condominium unit for which the application is being filed.

- If the signing owner (or as the C. case may be, the condominium association's resident agent) in par. b does not reside in the 7-county area specified in sub. 2-b, he or she shall have an operator of the building (or in the case o f condominium associations, condominium association operator) whose business or personal address is located within the 7-county area. No more than one operator shall be required to be designated for a building or buildings on a single tax keynumbered parcel, and no more than one condominium association operator shall be required to be designated for a condominium association.
- d. Applications filed by condominium associations shall also identify the name and address of the association, the type entity that the association is, whether the association is self-managed or has hired or retained management, and the identity of any hired or retained management.
- of a change in any information listed on the application for recording, a new recording application shall be filed with the department on forms provided by the department and the fee paid within 15 days of such event. Any such application submitted later than that 15-day period shall result in the doubling of the fee provided in s. 200-33-49.5 and subject the owner or required filer to sanctions listed in sub. 8.
- b. Except as provided in par. a there shall be no fee for the filing of an amendment to an existing application where the change in information does not involve a change of ownership interest in the property; where the change in information is associated with a land contract buyer paying off the land contract and becoming a title holder or with the land contract relationship otherwise being extinguished; or where the change in information results from the sale or transfer of ownership between husband, wife, father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson or granddaughter.
- c. The commissioner may refund fees paid in error to the department.

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- d. The owner who conveys any ownership interest in any building or condominium unit regulated by this section shall notify the department within 15 days of the conveyance of that ownership interest in such building or unit and shall provide the name and address of the buyer and the date of conveyance at no charge on forms provided by the department providing, however, there shall be a charge of double the fee in s. 200-33-49.5 if the conveying owner was also required, but failed to file the application under this section.
- 6. SERVICE OF ORDER. a. Any order issued under this section shall identify the section of the code to which the order applies in accordance with s. 200-12-2-b, and shall be served upon the owner of the building or unit as that owner is identified in the most recent application on file; or, in the case of orders relating to common elements or to condominium associations, upon the condominium association's resident agent as that agent is identified in the most recent application on file.
- b. The order may also be posted on the premises.
- c. The commissioner may issue an order to the owner, or, as the case may be, to the condominium association, to comply with this section. If the owner or association fails to comply with this section within the time set forth in the order, the commissioner may assess the owner or association a monthly recording code enforcement fee under s. 200-33-49.6 until compliance is obtained. The recording code enforcement fee may be assessed and collected as a special tax on the property or otherwise collected as allowed by law.
- 7. RENT ABATEMENT. a. When an owner has failed to record a building or condominium unit as required in this section, and conditions exist on the property that constitute health or safety violations of this code, the commissioner may issue an order in compliance with this section that shall be served pursuant to sub. 6. Upon failure of the owner to comply with the order, the commissioner may issue a notice of noncompliance to be served in accordance with

- sub. 6 for the purpose of advising both the owner and tenant of the tenant's right to abate 50% of all rents due after the time of appeal under s. 200-17 has expired, which date shall be set forth in the notice of noncompliance.
- b. Appeals of orders and notices under this section shall be made pursuant to s. 200-17. If the owner files an appeal, the owner shall notify all tenants in writing of such appeal and that the right of the tenant to abate rent is suspended during the pendency of the appeal.
- c. The tenant's right to abate rent shall be suspended during the pendency of an appeal of any order or notice issued under this section.
- 8. SANCTION. Any owner, former owner or operator of the property, or any condominium association (or resident agent, condominium association operator or other signatory of an application filed on behalf of an association), failing to comply with this section or providing false, misleading or fraudulent information in violation of this section shall be subject to the penalties provided in s. 200-19.

200-52. Certificate of Code Compliance.

- POLICY. The common council declares that its purposes in adopting these provisions are: to forewarn and protect buyers against dangerous or unsatisfactory housing conditions; to preserve the existing housing stock; to prevent the deterioration of residential buildings that may result in substantial depreciation of property values in neighborhood; and to implement an effective method of enforcing the city's building maintenance code developed to ensure basic standards of livability and habitability aswell as to enhance the quality of life in an urban environment. It is the intent of the common council that this section apply to sale, transfer or conveyance of ownership of real property involving any change in the form of ownership of the property.
 - **2.** DEFINITIONS. In this section:
- a. Building maintenance code" means that portion of the building code which establishes the minimum requirements and standards of health, sanitation, safety and

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- occupancy for residential property. These code regulations governing the condition and maintenance of residential property, and the responsibility of persons therefore, are set forth in s. 275-32 to 275-82.
- b. Certificate of code compliance" means a written and signed statement prepared by the commissioner after an inspection has been made, that the exterior condition of a dwelling is in compliance with the building maintenance code.
- c. Designated reinvestment areas" means all of the following areas:
- c-1. Designated reinvestment area number one means the area comprised of censustracts 158 to 163, 169 partially, and 170 which is bounded clockwise by West Pierce Street, South 16th Street, South Pearl Street, South 17th Street, West Mitchell Street, South 18th Street, West Burnham Street, South Muskego Avenue, West Becher Street, South 31st Street, West Lapham Street, South 38th Street, West Mitchell Street, South 39th Street, west along city limits, South 42nd Street, West Lapham Street, South 43rd Street, West Greenfield Avenue, South 38th Street, West National Avenue, and South 39th Street.
- c-2. Designated reinvestment area number 2 means the area comprised of census tracts 47, 48, 62, 63 and 65 which is bounded clockwise by West Capitol Drive, North 20th Street, West Auer Avenue, North 27th Street, West Locust Street, North 35th Street, West Wright Street, North 41st Street, West Locust Street, North Sherman Blvd., West Keefe Avenue and North 35th Street.
- c-3. Designated reinvestment area number 3 means the area comprised of census tracts 90, 91, 92, 96, 123, and 124 partially which is bounded clockwise by West Wright Street, North 35th Street, West Wisconsin Avenue, the Menomonee River, Stadium Freeway North (U.S. Hwy. 41), North 47th Street, West Brown Street and North 52nd Street.
- c-4. Designated reinvestment area number 4 means the area comprised of census tracts 44 to 46, which is bounded clockwise by East Keefe Avenue, West Keefe Avenue, North 20th Street, West Capitol Drive, North Port Washington Road to the Milwaukee city limits, following said limits to the intersection of the Milwaukee River and East Keefe Avenue.

- c-5. Designated reinvestment area number 5 means the area comprised of census tracts 71, 72, 79 and 80, which is bounded clockwise by the Milwaukee River, and East North Ave., to North Humboldt Blvd., East Wright Street, North Holton Street, and East Keefe Ave. to the Milwaukee River.
- c-6. Designated reinvestment area number 6 means the area which is bounded clockwise by West Lincoln Avenue, Interstate 43/94, West Rosedale Avenue, South 6th Street, West Cleveland Avenue and South 13th Street.
- d. Dwelling" means a one- or 2-family residential structure including all appurtenances, grounds and facilities belonging thereto.
- e. "Owner" means the person in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and right to present use and enjoyment of the premises.
- f. "Person" includes an individual, a partnership, a domestic or foreign limited liability company, a trust, an estate, an association, a corporation or any other legal or commercial entity.
- g. "Sale, transfer or conveyance of ownership" means to transfer any ownership interest in a dwelling except by mortgage, gift, devise or bequest. The sale or transfer shall be deemed to occur upon the transfer of an ownership interest, the execution of a land contract or the exercise of an option to purchase property.
- h. "Time of sale", transfer or conveyance means the time when a written purchase agreement is executed by the buyer; in the absence of a purchase agreement, it shall mean the time prior to the execution of any document providing for the transfer or conveyance of a one-or 2-family dwelling in the designated reinvestment areas.
- 3. CERTIFICATE OF CODE COMPLIANCE REQUIRED. a. No person acquiring an ownership interest within the designated reinvestment areas within the city, as a result of a sale, transfer or conveyance of a one or 2-family dwelling shall occupy or rent the property after the time of sale, transfer or conveyance without having first applied for a certificate of code compliance.

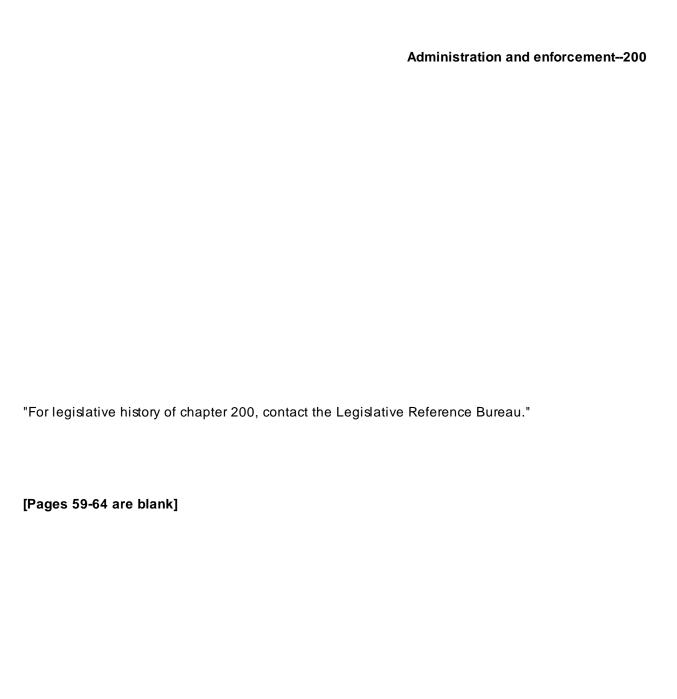
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- b. No person acquiring an ownership interest as the result of a sale, transfer or conveyance of a one or 2-family dwelling within the city shall allow others to occupy the property or rent the property after time of sale, transfer or conveyance without having first applied for a certificate of code compliance.
- c. Any person selling, transferring or conveying an ownership interest in a one or 2-family dwelling shall expressly inform any person acquiring or receiving an ownership interest in a property that a certificate of code compliance is required by the city.
- **4.** EXCEPTIONS. This section shall not apply:
- a. To an agency or subdivision of the city, county, state or federal government.
- other person acting under the direction or authority of any state or federal court, except that in the case of sale for a personal representative or guardian appointed by probate court, or a sale ordered by a probate court.
- c. To sales of condominiums or to the sale of individual residential units being converted to condominiums.
- d. To the sale or transfer of ownership between father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson or granddaughter.
- e. To the sale, transfer or conveyance of property for which a valid certificate of code compliance is still in effect.
- 5. APPLICATION FOR INSPECTION. When a certificate of code compliance is required for the sale, transfer or conveyance of a one or 2-family dwelling, an application for inspection shall be filed with the department on forms provided by the department within 15 days of the sale or transfer of the property. The application shall be signed by the owner and it shall state the street address of the dwelling to be inspected. The application for inspection shall be accompanied by the payment in full of the fee required in s. 200-33.
 - **6.** INSPECTION PROCEDURE.
- a. Upon proper application and the payment of the required fee, the department shall send a building inspector to inspect the exterior condition of the dwelling for its conformity with the building maintenance code.

- b. The department shall issue a certificate of code compliance only after it has inspected the dwelling and found that its exterior conditions conform to the building maintenance code and that there are also no outstanding orders issued against it pursuant to s. 308-81.
- c. The certificate of code compliance shall be valid for one year after the date of issuance.
- 7. ENFORCEMENT. a. Hazardous Conditions. Should the department upon inspection determine that there are conditions which constitute an imminent danger to health and safety, it may order the condition to be remedied and may limit or prohibit occupancy where appropriate.
- b. Nonhazardous Conditions. Should the department upon inspection determine that there are code violations which do not constitute an imminent danger, the owner shall be issued a temporary certificate of occupancy and given a specified number of days to remedy the violations.
- c. Reinspection. c-1. The department shall reinspect the premises as necessary to determine that the recorded code violations have been satisfactorily corrected. A reinspection fee may be charged in accordance with s.200-33-48.
- c-2. The department shall issue a certificate of code compliance after finding that all of the violations have been satisfactorily corrected.
- d. Uncorrected Violations. Failure to abate violations cited as a result of the inspection pursuant to an application for a certificate of code compliance constitutes a violation of the building maintenance code and may result in the enforcement measures normally instituted by the department in such instances.

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